

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>S. DRAIN,</b>	:	<b>CIVIL ACTION NO. 1:05-CV-0885</b>
	:	
<b>Plaintiff</b>	:	<b>(Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>LT. MCCONNAUGHEY, et al.</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 31st day of May, 2005, upon consideration of the documents titled "Supplement to Suit Emergency Request for Injunction or TRO" and "Brief in Support" (Docs. 6, 7), and of the order of court dated May 2, 2005 (Doc. 5), denying the request for emergency relief and dismissing the complaint in the above-captioned action for failure to state a claim without prejudice to plaintiff's right to file an amended complaint on or before May 27, 2005, and it appearing that the documents *sub judice* are largely unintelligible and do not set forth facts sufficient to constitute a violation of plaintiff's rights, it is hereby ORDERED that:

1. The document titled "Supplement to Suit Emergency Request for Injunction or TRO" (Doc. 6) is CONSTRUED as an amended complaint and DISMISSED as so construed for failure to state a claim on which relief may be granted. See 28 U.S.C. § 1915(e)(2).
2. Leave to file a second amended complaint is DENIED as futile.
3. The Clerk of Court is directed to CLOSE this case.

4. Any appeal from this order is DEEMED frivolous and not in good faith. See 28 U.S.C. § 1915(a)(3).

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge